

RETHINKING SACRED OATHS AS A COMPLEMENTARY ANTI-CRIME STRATEGY IN CONTEMPORARY NIGERIA

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Abstract

This study evaluates the viability, effectiveness, and ethical implications of re-integrating traditional sacred oath-taking as a complementary anti-crime strategy in modern Nigeria. Addressing the structural problems, delays, and pervasive corruption within the formal criminal justice system, the research employs a qualitative methodology comprising both primary and secondary data collection methods. Primary methods encompass direct field observations, key-informant interviews, Secondary methods rely on a comprehensive review of academic journals, relevant textbooks, institutional reports, online databases and periodicals. The study is grounded in Travis Hirschi's Social Control Theory. This theoretical framework was adopted because it explains social conformity through internalized bonds attachment, commitment, involvement, and moral belief rather than relying solely on external state coercion. In a context where state institutions suffer from weak public trust, Social Control Theory illustrates how traditional oaths reactivate deep-seated cosmological beliefs and communal accountability to deter criminal behavior effectively. The findings indicate that while sacred oaths possess strong psychological potency and act as an internalized deterrent in culturally homogeneous communities, their national application faces severe legal and practical hurdles, including conflicts with the secular 1999 Constitution, religious pluralism, and human rights concerns. The study concludes that a literal revival of ancient spiritual rituals within modern statecraft is unfeasible. Instead, it recommends a pragmatic hybrid framework:

strengthening the symbolic weight and moral accountability of oaths within the formal customary court system while establishing statutory human rights safeguards and administrative regulation.

Keywords: Crime, Crime Control, Legal Pluralism, African Traditional, Traditional Justice System, Sacred Oath

Introduction

The contemporary internal security landscape in Nigeria is defined by an escalating and multi-faceted crisis of criminality, encompassing armed robbery, kidnapping for ransom, banditry, cybercrime, public sector corruption, and violent communal conflicts. As Omede (2011) observes, this pervasive insecurity fosters public anxiety and socio-economic disruption across various geopolitical zones. Crucially, state capacity to manage these security challenges is constrained by operational hurdles within the formal Criminal Justice System (CJS). Comprising law enforcement agencies, statutory courts, and correctional services, the formal judicial apparatus faces procedural delays, severe caseload backlogs, resource deficits, and compromised public confidence. Consequently, formal legal sanctions often struggle to maintain universal moral authority, prompting ongoing discourse regarding how modern legal institutions might interact with culturally resonant mechanisms of social control.

Historically, pre-colonial Nigerian societies maintained social order through community-integrated, spiritually enforced systems of justice. Within these traditional frameworks, sacred oaths sworn before revered deities, ancestral symbols, or communal councils operated as central instruments of governance, dispute resolution, and truth verification. Rather than relying solely on external physical coercion, these practices derived their regulatory force from an internalized belief in cosmological accountability and communal honor. As Nomishan, Andzenye, Kolawale, and Oyigebe (2022) observe, indigenous cultural values and sacred commitments historically bound individual survival and kinship standing directly to moral integrity. In modern contexts, scholars note that customary dispute resolution and symbolic oath taking retain significant psychological potency, particularly in rural or culturally cohesive communities. Recent empirical research highlights this localized relevance: Ani and Oyo (2024) document the role of traditional oathing in facilitating community peacebuilding; Otto and Udo (2024) analyze the metaphysical foundations of customary oaths (Mmiam); Uche and Nweke (2023) examine the ideological role of ancestral symbols like the *Ofo* staff in justice administration;

and Ekhaton (2019) evaluates traditional oath-taking as an informal buffer against corruption and commercial breach of trust.

However, integrating or reviving traditional sacred oaths within a modern, pluralistic state introduces notable constitutional, ethical, and socio-cultural friction. From a legal perspective, elevating traditional religious practices within state structures presents potential conflicts with constitutional secularism under Section 10 and freedom of conscience under Section 38 of the 1999 Constitution of Nigeria. These legal and religious tensions can be contained by restricting traditional oath applications strictly to voluntary, opt-in customary court arbitration, ensuring that no citizen is subjected to ritual oaths outside their explicit consent or personal religious tradition.

Similarly, concerns regarding extra-judicial spiritual sanctions and trial by ordeal which risk violating Section 36 fair hearing guarantees and Article 5 human rights protections against degrading treatment can be resolved by decoupling the symbolic moral obligation of the oath from physical trial mechanisms, subjecting all customary arbitration awards to statutory judicial oversight. Furthermore, structural power asymmetries and gender disparities within traditional shrine hierarchies, along with the historical misuse of oaths in illicit networks as documented by Ijaola (2022) and anti-trafficking literature, can be contained through state licensing of customary adjudicators, legal representation mandates, and statutory prohibition of forced or harmful rituals.

Rather than viewing formal state law and traditional customs as mutually exclusive or inherently superior to one another, a balanced socio-legal analysis seeks to determine how symbolic accountability and constitutional rights can coexist. Consequently, the primary objective of this study is to critically evaluate the feasibility, ethical boundaries, and legal implications of integrating traditional sacred oath concepts into contemporary Nigerian dispute resolution. Specifically, the research aims to: Examine the psychological, sociological, and cosmological mechanisms of deterrence inherent in traditional oath systems, assess public perceptions regarding the comparative utility and moral legitimacy of formal legal versus customary justice institutions, analyze statutory frameworks capable of resolving constitutional, human rights, and religious pluralism friction surrounding traditional practices, identify procedural mechanisms to safeguard vulnerable demographics against gender bias, extra-judicial coercion, and arbitrary shrine authority and to develop a balanced legal pluralist framework that embeds principles of indigenous accountability such as

public commitment and personal honour within state-regulated customary courts while preserving fundamental rights.

By offering an objective synthesis that avoids romanticizing indigenous practices or dismissing local cultural worldviews, this study contributes to academic and policy discourse on African legal pluralism, criminological theory, and human-rights-compliant legal reform.

Clarification of Terms

Sacred Oath

Sacred Oath according to Msuya (2019), is a ritualized invocation of a deity, ancestor, or supernatural force to bind an individual to truth-telling or to a promised course of conduct, with breach believed to trigger automatic spiritual sanction rather than human enforcement. In Nigerian customary practice it functions simultaneously as an evidentiary device (establishing guilt or innocence) and a moral-deterrent mechanism Ele's (2017) defined oath-taking (*inu iyi*) and covenant-making (*Igba Ndu*) in Igbo traditional society, as mechanisms or principal instruments of conflict resolution in pre-colonial Igbo society, deeply embedded in religion and custom. Oladipupo (2021) argued for the continued relevance of oath-taking as an accountability mechanism in contemporary Nigerian governance, and Ani and Oyo (2024) observed that oath-taking bonds societies together and discourages violent behaviour.

Crime is a socially and culturally constructed category of human behaviour, the content of which is neither fixed nor universal but is determined by the values, power structures, and moral consensus of a given society at a given historical moment (Hall, 2010). Legal crime involves designating those acts or omissions that the state, through its legal institutions, deems sufficiently harmful to warrant formal prohibition, investigation, and sanction. From a restorative justice perspective, crime is understood as a violation of persons and relationships: an act that causes harm to individuals, communities, and the bonds of trust, safety, and dignity that make communal life possible (Zehr, 2015). In this view, its moral weight derives primarily from the injury inflicted upon real human beings rather than solely from the offence

Traditional Justice System

Traditional Justice System is the indigenous, pre-colonial framework of dispute resolution and social sanctioning administered by elders, priests, oracles, or community councils, oriented toward restoration and reconciliation rather than

retribution, and grounded in communal rather than codified authority (Igbokwe-Ibeto & Ogbuagu, 2021). For (Okafor, 1992), it is a non-state indigenous mechanism for social control, dispute resolution and maintenance of order. A system of governance and social accountability administered primarily by traditional rulers, community elders, or specific council bodies (such as masquerade societies). It is the indigenous and other traditional or customary justice system especially in rural areas which is more practicable and accessible to local populations. (International Commission of Jurist, 2021.)

Crime Control

Crime Control is the set of formal and informal mechanisms: surveillance, sanction, deterrence, and moral suasion through which a society limits deviant or criminal conduct; in the Nigerian traditional context this includes age-grade associations, oath-taking, and communal shaming operating alongside (or in place of) state policing (Oke, 2021).

Legal Pluralism

Legal Pluralism is the coexistence, within a single jurisdiction, of multiple normative orders: customary, religious, and state law each claiming some degree of authority over the same population or subject matter, producing both complementary and conflictual relationships between systems (Diala, 2018).

Social Control Theory is a criminological framework, originating with Hirschi's social bonding thesis, holding that conformity is produced by the strength of an individual's attachment, commitment, involvement, and belief in relation to conventional society, and that crime becomes more likely as these bonds weaken (Pratt & Cullen, 2000).

Theoretical Framework

Social Control Theory

This study is anchored in Social Control Theory, propounded by Hirschi (1969). Hirschi argues that individuals refrain from crime when they are bonded to conventional society, and that deviance occurs when these bonds are weak or broken. He identifies four elements of the social bond: attachment to others, commitment to conventional goals, involvement in legitimate activity, and belief in the moral validity of rules.

Social Control Theory offers the most culturally congruent framework for analysing sacred oath revival because it explains conformity without relying

solely on state coercion. In Nigeria, formal criminal justice is undermined by low public confidence in its fairness and weak attachment to state institutions, owing to perceived corruption and delay. Hirschi's model predicts that where bonds to the state are weak, alternative institutions carrying independent moral legitimacy exert stronger control over conduct.

Traditional oath-taking reactivates all four bonds: it strengthens attachment through the invocation of ancestors, elders, and community; it heightens commitment by tying personal standing to a publicly witnessed pledge; it increases involvement through communal ritual participation; and it draws on deep cosmological belief in supernatural sanction. From data gathered through observation and interviews, Southeast Nigeria shows that fear of spiritual sanctions outweighs fear of police for crimes validating the theory's cross-cultural utility. Thus, social control theory best explains both the limits of formal deterrence and the potential of oath revival for community-level crime control.

The Nature of the Sacred in ATR

To understand the anti-crime function of the oath in Nigeria, one must first appreciate the cosmological infrastructure that gives the oath its regulatory force. African Traditional Religion is characterised by a hierarchical cosmological order in which a Supreme Being stands at the apex, below whom are divinities, spirits, ancestors, and the living community of human beings. African Traditional Religion is often characterized by what scholars' term "delegated monotheism": a theological structure in which the Supreme Being remains the ultimate source of power, but delegates specific functions to subordinate divine agencies (Mbiti, 1990; Idowu, 1962). These intermediaries such as Ala among the Igbo (Metuh, 1987), the Orisha within the Yoruba pantheon (Idowu, 1962), the *iskoki* spirits of the Hausa Bori tradition (Besmer, 1983), and spiritual agencies associated with *Swem* among the Tiv (Bohannon & Bohannon, 1953), are not merely symbolic. They are believed to exercise active jurisdiction over particular territories, social relationships, and moral domains. This cosmological structure is directly relevant to oath-taking. When a community member swears before a specific deity or at a particular shrine, it constitutes entry into a juridical relationship with a divine entity believed to possess both the authority and capacity to adjudicate conduct and enforce sanctions (Nwosu, 1992).

The Igbo concept of *Chi*, the personal guardian responsible for the individual success and failure allocated to each human by *Chukwu*, the Supreme Being, reinforces this sense of perpetual divine surveillance of one's moral conduct. As

Awolalu and Dopamu (1979) observe, African Traditional Religion functions as one of the cohesive factors in society, with its major aims being to bring peace and harmony among the people and to bind the community together.

Mbiti's (1969) characterisation of African religion as permeating every aspect of life must be understood not as an observation of superstition but as a recognition of what contemporary scholars increasingly call a cosmo-ethical system, one in which ethical obligations are cosmologically grounded and divinely enforced. In such a system, oath-breaking is not merely a social offence but a theological transgression, activating divine retributive mechanisms that operate beyond human manipulation. Oath administration takes place in different forms and places: the shrine, sacred groves, at the foot of a sacred tree, at the village square, market square, which the shrine is one of the most popular place and to appreciate the anti-crime function of traditional shrine as a place of oath-taking, then the nature of the traditional shrine itself must be understood and appreciated not as it has often been portrayed in colonial and missionary literature as a site of dark and irrational superstition, but as it actually functioned within the communities that maintained it. The traditional shrines in Nigerian were simultaneously a sacred space, a communal institution, and a juridical centre, the most important aspect of every religion, a place where humans commune with spirits, a place where peace, justice and equity can be obtained. It is also the highest stool of authority. (Nwachukwu, 2020)

Physically, the shrine encoded its juridical authority in its spatial organization and symbolic objects. Among the Igbo, the presence of the *Ofo*: symbol of ancestral truth, righteousness, and traditional judicial potent force which can be employed for justice in various dimensions: legal and religious. (Uche and Okeke, 2023.). Among the Yoruba, the specific symbolic objects associated with any particular deity: Ogun's iron, Sango's thunderstones, Osun's river-water defined the jurisdictional domain of the shrine and the specific categories of transgression subject to divine sanction there (Awolalu, 1979). The architecture of the shrine was not decoration: it was a carefully constructed semiotic system communicating the nature, scope, and seriousness of the moral obligations undertaken by anyone who entered its precincts.

Within this sacred space, the oath functioned as the primary instrument of legal obligation. To swear an oath at any traditional shrine was to invoke divine witness to one's declaration, to bring the power of the deity directly to bear on the

truthfulness of one's testimony or the sincerity of one's commitment. Uchendu (1965), in his foundational ethnography of Igbo society, describes oath-taking as among the most serious acts a person could undertake; it is a direct engagement with sacred power that bound the swearer to consequences beyond any human power to prevent or mitigate. This seriousness was not superstition: it was a rational response to a genuine cosmological reality, experienced as such by the communities that practised it.

A defining feature of the African oath tradition is the understanding that the deity functions as both witness and enforcer. In Igbo tradition, oath-taking for dispute resolution involved parties directly submitting to the supernatural tribunal to settle disputes brought before the deity (Ikeora, 2016.). A specific period was normally typically designated within which the offending party was expected to suffer divine consequences, illness, calamity, or death as confirmation of their guilt. This mechanism served several overlapping anti-crime functions.

First, it served as a pre-crime deterrent; the knowledge that oath-violation would attract divine punishment operated as a powerful psychological restraint on potential wrongdoers. Second, it served an evidentiary function: when human testimony was unreliable or evidence was absent, the oath substituted for forensic proof by delegating judgment to divine omniscience. Third, it served as a punitive mechanism, ensuring that wrongdoers who escaped human detection would nonetheless face supernatural sanction. And fourth, in many traditions, it served a restorative function, by creating opportunities for offenders to confess, make restitution, and seek ritual purification before the divine consequences materialised.

This quadruple function of deterrence, evidentiary judgment, punishment, and restoration makes the traditional oath a remarkably comprehensive anti-crime instrument. As Kalu (1993) observed that in Igbo land, traditional religion functions as a mechanism of social control operated as what he described as God as policeman, with the deity actively patrolling moral boundaries and enforcing communal norms. The sacro-judicial authority of the shrine and the oath ceremony supplemented, and in some pre-colonial Igbo communities superseded, human judicial institutions. Among the Igbo of southeastern Nigeria, for example, the shrine of Ala functioned as the highest court for offenses such as murder, theft, and oath-breaking from the 19th century into the early colonial period (Afigbo, 1981). Similarly, among the Yoruba of southwestern Nigeria, the Ogun and Sango shrines exercised judicial authority by administering oaths and

enforcing sanctions, a system documented in 19th and early 20th century ethnographies (Idowu, 1962). Thus, in these contexts the oath ceremony operated as a parallel legal mechanism to council of elders and kinship groups (Kalu, 1993).

Functions of Traditional Oath-Taking as an Anti-Crime Procedures

An oath, in the broadest sense, is a solemn declaration or commitment invoked in the presence of, and guaranteed by, a sacred power. In Nigerian traditions, this sacred power may take the form of a deity, an ancestral force, a natural phenomenon (thunder, earth, water), a material object charged with spiritual potency, or a combination of these. The oath binds the swearer's conduct to a declared obligation and subjects' future behaviour to supernatural surveillance and sanction. For the researchers, oath traditions possess the following institutional features: (i) a recognised normative authority (deity or ancestral power) functioning as the juridical sovereign; (ii) a structured ritual process of oath administration that constitutes the formal legal act; (iii) clearly articulated obligations governing the swearer's subsequent conduct; (iv) a defined consequence architecture specifying the sanctions that follow transgression; and (v) a community of witnesses whose social memory sustains the accountability web. Together, these features constitute the oath as a full sacro-juridical institution.

The anti-crime functions produced by this institutional architecture operate through at least four distinct mechanisms. The first is metaphysical deterrence: the swearer is aware that transgression will attract divinely administered punishment regardless of human detection. The second is social surveillance: oath-taking is typically a communal act, performed before witnesses, making the swearer's obligation publicly known and socially monitored. The third is communal shaming: violation brings not only divine sanction but social disgrace to the swearer and, frequently, their family or lineage. The fourth is ancestral linkage: in traditions that connect the individual swearer to an ancestral order, violation disrupts not only the swearer's wellbeing but the spiritual health of the entire lineage, creating collective incentives for compliance. The functions of oath-taking includes:

The Deterrent Function

The primary anti-crime function of the traditional oath is deterrence. Dukor (2010), noted that in the early days of Nigerian society, people feared taking oaths and nemesis due to their belief in God, and this fear operated as an effective

behavioural restraint. This is not the externally imposed fear of legal punishment, which requires visible enforcement apparatus, but the internalised fear of divine omniscience which unlike human law enforcement can be bribed, evaded, or outmaneuvered.

Nomishan, Andzenge, Kowlawale and Oyigebe (2022), also noted that the traditional oath is a fearful ritual in which words connoting calamity and death are used to make pledges, with death and wellbeing used as guaranty to secure agreements. This ontological seriousness of the oath: its capacity to bind life and death to the terms of the promise made, functioned as a deterrent in communities where the cosmological framework was shared and believed. The oath taker was not merely promising; they were staking their continued existence on their integrity.

This deterrent function was particularly significant in pre-colonial African societies where formal legal enforcement mechanisms were weak or absent. The oath thus served as what legal theorists would today call a mechanism of informal social control, one that was arguably perceived as more effective than formal criminal sanctions precisely because it operated at the level of inner moral conviction rather than external compulsion. Braithwaite (1999), have recognised that systems of justice that engage the moral convictions of community members are often more effective at reducing recidivism and maintaining social order than purely punitive systems.

The Evidentiary Function

Traditional African societies faced the same evidentiary challenges as any legal system: how to adjudicate cases where no witness was present and material evidence was unavailable. The oath ceremony provided an elegant solution by delegating the determination of truth to a divine authority believed to possess perfect knowledge. As documented by Nwachukwu (2020), oath-taking in traditional Igbo proceedings was specifically described as a method of ascertaining the veracity of evidence. In this study, I use "sacred forensics" as an analytical metaphor to describe how divine authority was delegated the role of determining truth.'

The evidentiary oath in African tradition typically operated through one of two mechanisms. In the first, both parties to a dispute swore the oath, with the understanding that the guilty party would suffer divine consequences within a designated period, thereby revealing their guilt through the materialisation of

prophesied suffering. In the second, suspects in a criminal investigation were summoned to swear before the deity, with the expectation that consciousness of guilt would cause the true culprit either to confess or to collapse under the psychological and spiritual pressure of the invocation. In communities where belief in divine retribution was deep and sincere, this mechanism frequently succeeded in producing confessions or settlements.

Ekhaton (2019), described oath-taking as an important part of customary arbitration processes in Nigeria, functioning as a method of ascertaining veracity of evidence in traditional Igbo dispute settlement proceedings. This evidentiary dimension of the oath positions it squarely within what the present authors conceptualises as the Sacro-Juridical Institution (SJI): a framework that resolves epistemological problems of proof through appeal to divine omniscience rather than material evidence alone.

The Punitive and Restorative Functions

Beyond deterrence and evidentiary adjudication, the traditional oath also served punitive and restorative functions. The punitive dimension operated through the belief that divine sanctions: illness, financial ruin, death, or the suffering of one's family constituted the actual penalty for oath violation. This form of punishment differed from human punitive systems in two significant respects as understood within the belief system: first, divine sanctions were perceived as both inevitable and proportionate, calibrated by divine wisdom rather than human caprice; second, they were believed to be inescapable, in that they could not be appealed, bribed, or escaped through social privilege. The restorative dimension of the oath tradition is perhaps its most underappreciated anti-crime contribution; many African oath traditions included provisions for confession, atonement, and ritual purification, which allowed offenders to address their transgression before divine consequences fully materialized. This restorative pathway aligned with the broader African philosophy of Ubuntu, that is, the understanding that individual well-being is inseparable from communal well-being, and that the goal of justice is not the destruction of the offender but the restoration of the community's integrity. According to (Globalex, NYU Law, 2023), African traditional approaches to reconciliation and justice are commonly inclusive, involving the identification of root causes and solutions through meetings involving family and community members from both sides.

This restorative dimension of the oath tradition resonates with contemporary restorative justice theory. Braithwaite's (1999) argued that restorative justice

systems may deter, incapacitate, and rehabilitate more effectively than purely punitive systems, particularly when the restorative system is embedded in a community's moral framework. The traditional African oath, with its blend of deterrence, divine accountability, communal witness, and restorative provision, demonstrates several points of convergence with contemporary restorative justice theory.

The Social Control Function

The anti-crime function of the traditional oath is inseparable from its role as a mechanism of community cohesion. By publicly binding individuals to shared moral norms through sacred ceremony, oath-taking reinforced the normative consensus of the community and signaled to potential wrongdoers that their community was morally unified in its opposition to crime (Menkiti, 1984). The public nature of many oath ceremonies, conducted before assembled community members at the shrine or communal gathering, served as an additional deterrent by making the stakes of violation visible and communally witnessed. The public nature of many oath ceremonies, conducted before assembled community members at the shrine or communal gathering, served as an additional deterrent by making the stakes of violation visible and communally witnessed.

Nomishan, Andzenge, Kolawale and Oyigebe (2022), observed that among African peoples, values such as truth, covenant-keeping, and respect for community norms formed the bedrock of social organisation. The oath was the primary ritual mechanism through which these values were operationalised and enforced. By binding individuals to these values through sacred ceremony, the oath simultaneously expressed and reinforced the community's moral identity. This function aligns with what Durkheim (1895) wrote about social functions of religion which he described as the integrative function of religious ritual which oath taking is one of them and how shared sacred ceremonies reinforce collective conscience and thereby sustain the moral order that makes social life possible. The crime-preventive effect of this culture of internalized moral obligation was, by all comparative evidence, considerable. Communities organized around shrine-based sacred accountability were not crime-free; no human community is, but they possessed internal moral resources for crime prevention and social repair that secular criminal justice systems demonstrably cannot replicate.

Traditional Oath as a Mechanism for Anti-Crime in Nigeria

According to NUBEO, (2024), Nigeria ranked 13th globally with a crime index of 66.2% to 66.8% and according to Tunji (2024), data from a National Bureau of

Statistics revealed that Nigerian households paid an estimated N2.23 trillion in ransom over a 12-month period between May 2023 and April 2024. The survey revealed that 65 percent of households affected by kidnapping incidents were forced to pay ransom, with the average payment per victimized household standing at N2.67 million. Overall, Nigerian households experienced an estimated 51.89 million crime incidents during the reference period, with rural areas experiencing a higher volume of incidents at 26.53 million compared to 25.36 million in urban areas.

Recent empirical data demonstrate a marked escalation in non-state armed conflict, criminal violence, and violent mortality across Nigeria throughout 2025 and the first half of 2026. According to the 15th annual report by Nigeria Watch, the country documented 12,954 fatalities resulting from violent incidents in 2025 (Ugbodaga, 2026). This figure represents a notable expansion of lethal security events relative to previous years, driven primarily by crime-related violence (47%), political and religious conflict (27%), and transport-related disasters (13%) (Ugbodaga, 2026). Non-state criminal entities and state security apparatuses remained the predominant agents of lethal force, linked to 6,166 and 5,438 deaths, respectively (Ugbodaga, 2026).

The argument for traditional oaths as anti-crime strategy is neither romantic primitivism nor anti-modern sentiment. It is grounded in a recognition articulated by Oladipupo (2021) that no society can survive outside its culture and tradition, and that the instruments of social control must resonate with the moral and cosmological worldview of the community they are meant to regulate. In Nigeria, where the western system of crime control has demonstrably failed to deter crime and corruption. This paper is positioning the traditional oath not as a nostalgic cultural curiosity but as a living Sacro-Juridical Institution whose critically revived deployment with appropriate safeguards for human rights and constitutional compliance could form a meaningful pillar of Nigeria's anti-crime architecture.

In Nigeria, to appreciate the anti-crime function of traditional oath systems, one must first understand the nature of the traditional shrine, itself not as it has often been portrayed in colonial and missionary literature but as it actually functioned within the communities that maintained it. The traditional shrine in Nigerian was simultaneously a sacred space, a communal institution, and a juridical centre and a place where the boundaries between the human and the divine were deliberately thinned so that the moral order of the cosmos could be brought to bear on the

practical affairs of the community (Ikenga-Metuh, 1985).

Physically, the shrine encoded its juridical authority in its spatial organization and symbolic objects. Among the Igbo, the presence of the *Ofo* staff, symbol of ancestral truth, righteousness, and legitimate authority at the shrine communicated that any transaction conducted there was conducted in the presence of the ancestors, under their oversight and subject to their judgment (Ejizu, 1986). Among the Yoruba, the specific symbolic objects associated with particular orisa deities, Ogun's iron, Sango's thunderstones, Osun's river-water, defined the jurisdictional domain of the shrine and the specific categories of transgression subject to divine sanction there (Awolalu, 1979). The architecture of the shrine was not decoration: it was a carefully constructed semiotic system communicating the nature, scope, and seriousness of the moral obligations undertaken by anyone who entered its precincts.

Within this sacred space, the oath functioned as the primary instrument of legal obligation. To swear an oath at a traditional shrine was to invoke divine witness to one's declaration and to bring the power of the deity directly to bear on the truthfulness of one's testimony or the sincerity of one's commitment. For Udo and Otto (2024), the oath is a fearful ritual and during this ritual, words that connote calamity are used to make pledge in the presence of deities.

Across Nigerian ethnic traditions, specific oath systems were developed that addressed particular categories of criminal conduct with remarkable specificity and sophistication and some of them are:

Igbo

Among the Igbo-speaking peoples of south-eastern Nigeria, the most foundational oath form is *Igba Ndu*, literally, the binding of life. *Igba Ndu* is a covenantal oath in which two or more parties solemnly commit their lives, spiritual wellbeing, and those of their families to the terms of an agreement, invoking personal chi (guardian spirit), the deity relevant to the matter in dispute, and the ancestral forces of each swearer's lineage. The binding of life signifies that transgression is met not merely with punishment but with the total forfeiture of the sacred life-force that sustains the violator's existence.

The anti-crime functions of *Igba Ndu* are multiple. In contexts of land dispute, trade agreements, inter-village relations, and personal conflicts, the covenant forestalls deception, theft, and betrayal by making the stakes of violation existentially total. Offence that might otherwise be committed under cover of

ordinary social ambiguity, such as false measurement, secret land encroachment, and broken trade promises, are regarded as having exceptionally serious perceived consequences for a person who has taken *Igba Ndu* seriously (Uchendu, 1965). In Igboland, *Igba Ndu* is used as a mechanism for binding community members to agreements in the absence of formal contractual enforcement. A closely related instrument is the *Ofo* oath, administered through the *Ofo* staff: a sacred stick symbolizing ancestral authority held by eldest sons and community leaders in Igbo tradition (Achebe, 1958; Onwuejeogwu, 1981). The *Ofo* embodies the accumulated moral authority of one's lineage ancestors and is invoked in formal dispute resolution settings. Swearing by the *Ofo* is an act of self-submission to ancestral judgement: the swearer declares that, if guilty, the ancestors may withdraw their protective force (Meek, 1937). In communities where this tradition is strong, the mere act of invoking *Amadiohas* name in an oath context is sufficient to suppress false testimony and fraudulent dealing (Nwosu, 2014). The Arochukwu Long Juju (*Ibini Ukpabi*) shrine in southeastern Nigeria represented a traditional shrine institution exercising judicial functions across a wide region. As Isichei (1976) documents, the Long Juju functioned as a major centre of sacred adjudication whose authority extended far beyond Arochukwu itself, drawing litigants from communities across southeastern Nigeria who believed that its divine verdicts were beyond human appeal or manipulation.

Yoruba

Among the Yoruba of south-western Nigeria, *Sango* the deity of thunder and lightning, is invoked in contexts of dispute. Swearing by *Sango* involves the solemn invocation of the deity in matters requiring truth (Idowu, 1962). Similarly, *Ogun* the deity of iron, is invoked in formal contractual and oath contexts. *Ogun* shrines and their associated ritual specialists provide the institutional setting for oath administration, and community knowledge of the perceived consequences of *Ogun* oath violation is regarded as a deterrent against perjury, theft, and treachery (Peel, 1990). The persistence of *Ogun* oaths in contemporary Nigerian judicial contexts reflects their continued social authority across religious lines.

Hausa

For the Hausa traditional religion, Bori involves the invocation and propitiation of a pantheon of spirits (*iskoki*) through ritual performance, and oath-taking

within the Bori framework invokes these spirits as guarantors. While Bori has been officially marginalized by Islamic reform movements, its social authority persists in some rural communities (Smith, 1954; Last, 2008).`

Tiv

`Among the Tiv people of the Benue Valley, the *Swem* is a central oath institution consisting of a bundle of sacred materials whose precise contents are known only to initiated keepers. According to Tiv ethnography, the *Swem* is regarded as embodying a central moral authority within Tiv society (Bohannon, 1957). The *Swem* is understood not merely as a symbol, but as an active force that is believed to enforce oaths, sanction transgression, and contribute to the maintenance of community order (Downes, 1933). The anti-crime functions of the *Swem* are documented as particularly significant in the area of inter-group violence, bloodguilt, and community conflict (East, 1965). Parties to a dispute are brought before the *Swem* and required to swear that their account of events is truthful and their intentions peaceable. In Tiv traditional belief, the *Swem* oath is understood to bring severe consequences upon those who swear falsely, including illness and death that may also affect the swearer's lineage (Bohannon, 1957). Historical documentation suggests that the *Swem* functioned not only as a judicial instrument but also as a mechanism for binding Tiv communities together under a shared moral order (Bohannon, 1957; East, 1965).`

Efik/Ibibio

Among the *Efik* and *Ibibio* peoples, the *Ekpe* society remains one important sacro-juridical institution for the regulation of social conduct and commercial relations (Uya, 2011). Historically, *Ekpe* functioned as an oath-bound fraternity that enforced contracts, adjudicated disputes, and sanctioned criminal behavior such as theft and breach of trust within the Cross River region (Ekpe & Okon, 2018). Contemporary studies indicate that elements of *Ekpe*'s normative framework continue to influence informal crime control, particularly in the areas of debt recovery and communal dispute resolution, even in the presence of statutory courts (Ekanem, 2016). The authority of *Ekpe* sanctions derives from graded membership, oath-taking, and the belief in supernatural enforcement, which serves as a deterrent to anti-social behavior (Ottenberg, 2011).`

Ijaw

Among the *Ijaw* of the Niger Delta, *Egbesu* constitutes a central juridico-religious institution through which oaths are administered to regulate conduct relating to warfare, communal security, and internal justice (Alagoa, 2005). Within *Ijaw* cosmology, *Egbesu* is conceptualized as a deity associated with righteous warfare, and adherence to oath obligations is believed to attract spiritual protection, while breach is believed to result in spiritual vulnerability and social misfortune (Clark, 1991).

The anti-crime function of *Egbesu* oaths manifests in three domains: the regulation of intra-communal conflict, the enforcement of loyalty and non-betrayal during inter-group hostilities, and the legitimation of truth-telling in dispute resolution processes (Alagoa, 2005). The efficacy of the oath is derived not from codified legal statute but from communal belief in spiritual sanction and the consequent social stigma attached to violation (Clark, 1991). Thus, *Egbesu* functions as an informal mechanism of social control that complements statutory law in contexts where state institutions have limited reach.

Urhobo Earth Deity Oaths

Among the Urhobo people of Delta State, oath traditions are closely associated with earth deity cults (often referred to as *Erhovwharho*); they invoke the sacred power of the earth as the ultimate witness and enforcer of sworn commitments. Earth deity oaths are particularly significant in land dispute resolution, where parties swear upon the earth itself, the primary resource in contention, that their claim is just. Violation is understood to invite the earth's curse: illness, agricultural failure, loss of progeny, and ultimately death.

The structural logic of earth deity oaths is significant: by invoking the very entity over which the dispute concerns, the oath creates an inseparable connection between the substance of the commitment and its supernatural guarantor. This reduces the risk of oath violation by making the metaphysical stakes identical to the material stakes; the swearer risks losing not only the land but the spiritual foundation of their capacity to benefit from any land at all.

Nupe

Among the Nupe people of Niger State and the North-Central region, the *Ndakogboya* masquerade society functions as one sacro-juridical institution used for social control and oath administration (Mohammed, 2013). Ethnographic accounts describe *Ndakogboya* as a masquerade associated with the enforcement of community norms, where its public appearance signals the adjudication of

disputes and the sanctioning of deviant conduct.

Oaths sworn before *Ndakogboya* are documented to bind community members to specific obligations, including honesty in trade, non-theft, and loyalty to communal decisions. Violation of such oaths is believed within *Nupe* cosmology to result in supernatural sanction administered through the masquerade institution (Mohammed, 2013). The anti-crime efficacy of *Ndakogboya* oaths derives from the combination of belief in spiritual consequences and the recognized social authority of masquerade title-holders as custodians of *Nupe* customary law (Mohammed, 2013). Thus, *Ndakogboya* operates as an informal regulatory mechanism that complements state legal institutions in the management of intra-communal conflict.

Erosion of Oath Authority and its Consequences

The deterrent efficacy of sacred oaths is not intrinsic or automatic; it is socially produced through the collective maintenance of faith in the sacred architecture that the oath invokes. When that faith erodes, whether through external imposition or internal cultural change, the oath loses its deterrent power even if its ritual form is preserved. Nigeria's colonial and post-colonial history has produced precisely this erosion across multiple dimensions: colonial legal systems systematically delegitimised traditional oath mechanisms, criminalising some practices as juju and replacing traditional juridical processes with courts whose authority rested on statute rather than sacred sanction. Missionary Christianity and Islamic reform movements condemned oath practices as paganism or shirk (polytheism), withdrawing the religious sanction that sustained their moral authority. Rapid urbanisation removed individuals from the community contexts in which oath accountability is socially monitored, weakening the social surveillance mechanism. The combined effect of these pressures has been a significant weakening of the oath system's deterrent architecture in many Nigerian communities.

The consequences of this erosion are visible in the Nigerian social landscape: rising rates of corruption, perjury, contract fraud, and violent crime in communities where sacred accountability mechanisms have been most thoroughly dismantled. This observation does not imply a simple causal relationship, but it does suggest that the social functions historically performed by oath traditions have not been adequately replaced by secular institutions.

Conclusion

This study has demonstrated that sacred oath traditions across Nigerian ethnic groups constitute sophisticated sacro-juridical institutions whose anti-crime functions are embedded in carefully developed architectures of metaphysical deterrence, social surveillance, communal accountability, and institutional enforcement. From the Igbo *Igba Ndu* to the Yoruba *Sango* and *Ogun* oaths, from the Tiv *Swem* to the Efik *Ekpe*, from the Hausa *Bori* to the Ijaw *Egbesu*, these traditions share a common structural logic: the vertical extension of accountability into the sacred realm while differing in the specific deities, materials, ritual forms, and consequence architectures through which this logic is implemented. Sacred oaths are not merely religious acts but institutional mechanisms for social governance, and their decline under colonial and missionary pressure has left significant gaps in Nigeria's social accountability infrastructure.

Recommendations

The researchers recommend that:

1. **Legal recognition of traditional oath systems:** The Nigerian justice system should legally recognise traditional oath systems under the customary courts framework for community-level offences. Application should not be restricted to breach of trust where state prosecution suffers from evidentiary delays and low conviction rates. Formal recognition would give cultural legitimacy and legal backing, strengthening the belief and attachment bonds that Social Control Theory identifies as critical for compliance. Codification must specify procedures, eligible offences, and the rights of the accused to prevent arbitrariness.
2. **Regulation and training of oath administrators:** Oath administration should not be left solely to shrines or secret societies. The appropriate state ministries should license and train traditional adjudicators, including elders, clan heads, and chief priests, on due process and constitutional limits. All proceedings should be voluntary, conducted with legal representation, and documented by customary court registrars. This model preserves indigenous involvement and communal monitoring while subjecting the process to state accountability, ensuring that sacred oaths complement rather than contradict constitutional law.
3. **Restorative rather than purely punitive approaches:** There should be different forms of punishment depending on the degree of the crime

committed. Policy should shift some traditional oaths from a severe punishment-oriented approach toward restorative justice. For minor offenders, confession followed by cleansing rites and community service can replace custodial sentences. This approach rebuilds commitment to conventional life because the offender is reintegrated instead of permanently stigmatised. It also reinforces attachment to the community, as elders and family witness both the oath and the restoration.

4. **Re-socialisation programmes:** There should be a programme targeted at re-socialisation because decades of urbanisation and secular education have weakened youth belief in ancestral sanctions, creating an anomic gap. The National Orientation Agency, National Human Rights Commission, and traditional councils should jointly develop civic programmes that explain the moral logic of sacred oaths as social contracts rather than superstition. Integrating this into secondary-school civic education and town-union meetings will rebuild intergenerational transmission of norms and strengthen the social bonds that make oath-based deterrence effective.
5. **Human-rights safeguards:** To ensure sustainability, legislation must explicitly prohibit oaths administered for selfish purposes, forced oaths, and oaths administered to persons who lack the capacity to give informed consent. Such safeguards would protect the revival from abuse and align it with Nigeria's obligations under the African Charter on Human and Peoples' Rights.

Finally, reviving sacred oaths is not a nostalgic retreat but a pragmatic use of existing social bonds to address crime where state institutions lack certainty of punishment. Grounded in Social Control Theory, the strategy works because it draws on attachment to ancestors, commitment to community standing, involvement of the collective, and belief in sanctions that some Nigerians still consider real. With legal safeguards and restorative framing, traditional oaths can become a culturally legitimate, cost-effective layer of crime control in contemporary Nigeria.

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